

TECHNICAL ASSISTANCE – TEMPORARY EMPLOYEES

Prepared by the Division of Human Resources in the Department of Personnel & Administration. Revised February 1, 2006.

GENERAL

The following addresses the use of temporary positions and employees while a separate technical assistance document on personal services contracts addresses the use of leased workers from a multi-employee contractor or company under a contractual arrangement. For purposes of this document, a department is one of the principal departments or institutions of higher education in the executive branch.

APPOINTMENTS

Although temporary appointments are not subject to the competitive assessment process, a temporary employee must be qualified for the position. Minimum qualifications are determined by the appointing authority depending upon the job requirements as documented in the Temporary Position Description.

In addition, temporary employees performing non-permanent work (e.g., short term, urgent, no eligible list is being established for the permanent position) do not have to meet the residency requirement mandated in Colorado Constitution for positions in the state personnel system. While temporaries are state employees, they are outside the state personnel system (24-50-114(2), C.R.S.).

A temporary employee may work no more than six months in a 12-month period. The 12-month period is not defined as a calendar or fiscal year, but instead must be considered as a rolling 12-month period.

Generally, one day worked in a month counts as a full month in the six-month period. The day worked can be full or partial and is still counted as a day worked. However, the end date may vary depending on whether the temporary employee works continuously or intermittently.

- For continuous work schedules, departments may count the six months in a 12-month period from the actual date the temporary employee begins work. For example, a temporary employee who begins working June 15th may work through December 14th.
- For intermittent “on and off” temporary work schedules, one day worked in a month still counts as a full month toward the six-month limitation. For example, a temporary employee who works June 15th through July 10th and then does not work again until August 1st has the June 15th through July 10th period counted as two months for the six-month period.

The six-month work period is counted the same way for both provisional and regular temporary appointments.

POSITIONS

No temporary position may exceed six months in a 12-month period regardless of whether part-time or full-time. Permanent needs cannot be filled with a succession of multiple temporary appointments. When there is a permanent need, a permanent position needs to be created and filled with a permanent employee, unless a personal services contract is permitted in accordance with law.

All temporary positions must be created and placed in the Temporary Aide (P1A1XX) class. This class was expressly created to accommodate temporary positions of any type of work, regardless of the appropriate salary. Placing all temporary positions in this class also provides a needed distinction between permanent and temporary positions. This class concept includes all types of work needed in any department of state government. The class description for this class contains no factor levels, so placing positions in this class is simple. This also allows departments the flexibility to create their own informal structure of multiple levels of work in the range, e.g., multiple levels of lifeguards or summer parks' workers.

COMPENSATION

The pay range for the Temporary Aide class starts at the federal minimum wage and extends up to the State's regular salary lid. The appropriate salary level may be obtained by cross-reference to another class of work in the state personnel system; however, because temporary employees do not have the same rights and privileges as permanent employees, appointing authorities may select any salary at or above minimum wage deemed appropriate for the job. The Constitutional pay equity requirements do not apply to temporaries. Temporary employees do not receive salary adjustments nor do they receive performance pay adjustments. Appointing authorities may give a salary increase when justified by unusual situations.

Temporary employees are not eligible for benefits or leave except as provided by law, such as Workers' Compensation and potentially Family and Medical Leave. Temporary employees must contribute to one of the retirement plans: PERA's defined benefit or defined contribution plans or the State's defined contribution plan. Other wage withholding will be in accordance with state and federal laws.

Every attempt is made to keep this information updated. For additional information, refer to the *State Personnel Board Rules and Director's Administrative Procedures* or contact your department human resources office. Subsequent revisions to rule or law could cause conflicts in this information. In such a situation, the law and rule are the official source upon which to base a ruling or interpretation. This document is a guide, not a contract or legal advice.

**TECHNICAL ASSISTANCE
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